

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

VASSILY ANTHONY THOMPSON,
DERRICK JOHN FINCHER, and
JOHN PATRICK NIXON,

Defendants.

CASE NOS: 2:16-CR-0145-TOR-1
2:16-CR-0145-TOR-2
2:16-CR-0145-TOR-3

PROTECTIVE ORDER

BEFORE THE COURT are the United States' Motion for Protective Order (ECF No. 29), Amended Motion for Protective Order (ECF No. 45) and Motions to Expedite (ECF Nos. 30, 46). The motions were submitted for expedited consideration without oral argument. The Court has reviewed the motions and the file therein and is fully informed. This case involves allegations of wire fraud and aggravated identify theft. Accordingly, the records that will be disclosed pursuant to Fed. R. Crim. P. 16 contain sensitive and personal identifiable information with respect to victims, third parties, and the Defendants. The government seeks a

1 protective order to assist in balancing its discovery obligations with the need to
2 guard against the improper dissemination and use of such sensitive information.
3 For good cause shown, the motions (ECF Nos. 29, 30, 45, and 46) are granted.

4 **IT IS ORDERED:**

5 1. The United States is authorized to disclose the discovery and sensitive
6 information materials (hereinafter "Discovery") in its possession pursuant to the
7 discovery obligations imposed by this Court.

8 2. Government personnel and counsel for Defendants shall not provide, or
9 make available, the Discovery to any person except as specified in this Order or by
10 approval from this Court. Therefore, defense counsel and the Government shall
11 restrict access to the Discovery, and shall only disclose the Discovery to their
12 client, office staff, investigators, independent paralegals, necessary third-party
13 vendors, consultants, and/or anticipated fact or expert witnesses to the extent that
14 defense counsel believes is necessary to assist in the defense of their client in this
15 matter or that the Government believes is necessary in the investigation and
16 prosecution of this matter.

17 3. Third parties contracted by the United States or defense counsel to
18 provide expert analysis or testimony may possess and inspect the Discovery, but
19 only as necessary to perform their case-related duties or responsibilities in this
20 matter. At all times, third parties shall be subject to the terms of this Order.

1 4. Discovery in this matter will be made available to defense counsel via
2 access to a case file on USA File Exchange. If necessary to review discovery with
3 their respective clients, defense counsel may download the discovery and duplicate
4 only once. Discovery materials may not be left in the possession of the
5 Defendants. In order to provide discovery to a necessary third-party vendor,
6 consultant, and/or anticipated fact or expert witness, defense counsel may duplicate
7 the discovery only once. No other copies shall be made, by defense counsel or the
8 Defendants, without prior approval from this Court.

9 5. To the extent that defense counsel makes any portion of the Discovery
10 available in paper format to anyone, including their clients, outside of counsel's
11 office, defense counsel shall ensure that any and all sensitive information is
12 redacted or removed. Such redaction/removal shall include, but shall not be
13 limited to, the following: (a) all Social Security, identification card, driver's
14 license, birth certificate, and taxpayer identification numbers; (b) all business and
15 employer names, locations, addresses, as well as salary information; (c) residential
16 and business addresses; (d) all dates of birth, organ donor information, telephone
17 numbers, and email addresses; (e) all lease, bill, or other payment amounts; and (f)
18 all information identifying the contents and routing and account number(s) of any
19 financial account, including bank, trust, and retirement account(s).

1 6. All counsel of record in this matter, including counsel for the United
2 States, shall ensure that any party, including the Defendants, that obtains access to
3 the Discovery is provided a copy of this Order. No other party that obtains access
4 to or possession of the Discovery shall retain such access or possession unless
5 authorized by this Order, nor further disseminate the Discovery except as
6 authorized by this Order. Any other party that obtains access to, or possession of,
7 the Discovery once the other party no longer requires access to or possession of the
8 Discovery shall promptly destroy or return the Discovery once access to Discovery
9 is no longer necessary. For purposes of this Order, “other party” is any person
10 other than counsel for the United States, counsel for defendants, or the defendants.

11 7. All counsel of record, including counsel for the United States, shall keep
12 a list to identify each person to whom the Discovery is disclosed and who was
13 advised of the requirements of this Order. Neither counsel for each of the
14 Defendants, nor the counsel for the United States, shall be required to disclose this
15 list of persons unless so ordered to do so by the Court.

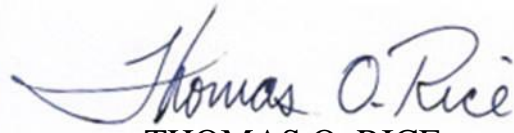
16 8. Upon entry of a final order of the Court in this matter and conclusion of
17 any direct appeals, government personnel and counsel for defendants shall retrieve
18 and destroy all copies of the Discovery, except that counsel and government
19 personnel may maintain copies in their closed files following their customary
20 procedures.

1 9. Government personnel and counsel for Defendants shall promptly report
2 to the Court any known violations of this Order.

3 The District Court Executive is hereby directed to enter this Order and
4 furnish copies to counsel.

5 **DATED** September 8, 2016.




THOMAS O. RICE
Chief United States District Judge